



#9

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: dederman, Seth

Application No.: 09/992,235

Art Unit: 1614

Filed: 11/06/2001

Examiner: Delacroix - Murren,
Cybelle

Title: (R,S¹)(R,R)- Amphetamine,
Compositions and Use Thereof

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on 03/22/2005 HVL0061 00000119 09992235
☐ is enclosed herewith.

01 FC:2453

750.00 00

B. The issue fee and publication fee (if applicable) of \$ 700

☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Refund Ref: 04/21/2005 AKELLEY 0000144152

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CHECK Refund Total: \$700.00

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Karen Guerrero 3/15/05
Signature Date

Karen Guerrero 37,071
Typed or printed name Registration Number, if applicable

3528 Old Baptist Rd 484-868-1110
Address Telephone Number

Collegeville, PA 19426
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

3/7/05
Date

Karen Guerrero
Signature

Karen Guerrero

Typed or printed name of person signing certificate



PATENT
2516-1-002N

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Vela Pharmaceuticals

SERIAL NO. : 09/992,235

EXAMINER : Delacroix Muirhei, Cybille

FILED: November 6, 2001 ART UNIT : 1614

FOR : (R,S'),(R,R')-AMPHETAMINIL, COMPOSITIONS AND USES
THEREOF

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Applicants herewith wish to revive the above-referenced patent application which was unintentionally abandoned. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 1.137(b) was unintentional.

In August 2004, Applicants received an office action from the US PTO which allowed claims 1 through 8, rejected claims 9 through 20 and 22, and objected to claim 21. Applicants communicated to the then attorney of record that they were interested in obtaining a patent with claims 1 through 8, but were planning to abandon the effort to get the other rejected or objected claims allowed. There was a misunderstanding and the attorney let all the claims go abandoned. Nor did he report to Applicants that the application had gone abandoned in its entirety.

In early 2005, Applicants investigated the issue and realized that the allowed claims had gone abandoned. Thus, Applicants request that the petition for revival of

the patent application with allowed claims 1 through 8 be favorably reviewed and granted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Guerrero".

Karen Guerrero
Reg. No. 37,071
Vela Pharmaceuticals, Inc.
609-771-8660 ext. 118